

RCRA Docket Meeting Notes - August 6, 2007
Enforcement Confidential

Marie Owens

Euclid/Koo Yuen II - Fields - inspected 3/01 - Oral arguments scheduled for September 18.

Euclid III - Fields - Ben is drafting the complaint, with plans to file it this quarter.

Duncan Petroleum - Howell - 2/06 CAFO - The team has updated the penalty for the original (five facilities) case, is calculating the penalty for nine other facilities, and is awaiting a response on the request for information for the six last facilities which were inspected. Joyce is working on the referral package to DOJ; the referral will be completed next fiscal year.

WMATA (four locations) - Howell - inspected 12/06 and 1/07 - The response to our request for information is under review. Unlikely that any formal action will be taken before the end of this quarter.

Baltimore Travel Center - Sharke - inspected 4/06, 10/06 - We are in discussions with respondent regarding the language in the settlement document.

Royal Service Center - Silverman - inspected 4/06 - The complaint for the underlying violations has been reviewed by Mary, and is expected to be filed this quarter.

Gary Morton

BP Products North America (4 locations) - Heenehan - inspected 5/05 - The Super CAFO is with the respondent for review.

Capitol BP Amoco (IDK Properties) - Heenehan - inspected 4/06 - The response to our Request to Show Cause has just been received.

SMO Inc - Heenehan - inspected 4/06 - A conference call was held with the company on 8/1. We have agreement that the ALLD testing was performed late, but there are still questions regarding the effectiveness of the ALLD configuration with regard to the 3 gal/hr requirement. There needs to be further discussion with MDE on the remote fill issue; the company has not located specific "permission" for this. The case *may* settle this quarter.

Brownsville Bus Lines - Attorney? - inspected 11/06 - The referral package should be down to ORC by mid-August. The program wants to move forward with an administrative penalty action.

Melissa Toffel

National Park Service, US Park Police - Cohan - inspected 1/07 - The Super CAFO has been drafted and reviewed by Mary, and is with HQ-FFEO for their review. We don't believe it has been sent to NPS yet.

US Postal Service VMF - Silverman - inspected 12/06 - The USPS has our proposed penalty amount, and we believe (based on 8/2 conversations) that we are close to settlement. Their attorney is out this week, but we expect another call next week. We may want to consolidate this matter with the new USPS case which is being Tiered today.

International Limousine Service - Ramalho - inspected 5/07 - The company called on 7/31 in response to our 7/27 Request to Show Cause. Lou made a settlement offer at that time, and we are awaiting their response.

L Street Realty - Ramalho - inspected 4/07 - The company called on 8/1 in response to our 7/27

Request to Show Cause. Based on the date of change of ownership (12/06), we are recalculating the penalty, and will probably also bring a penalty action against the previous owner.

Westchester Corp - Ramalho - inspected 2/07 - Request to Show Cause in concurrence.

Clark Conover

Tanana - Carter - inspected 6/02 - Tanana has informed us that they do not want to implement the CAP (clean up) until a lawsuit between themselves and the current owner (regarding who will pay for the CAP) has been resolved. This is not acceptable; DOJ will follow up with a letter to Tanana. If this does not resolve the issue, we will request, and DOJ will initiate, a contempt action.

Berkeley County School Bus Garage - Carter - inspected 2/06 - We are not sure if a formal Request to Show Cause was sent, but contact was made recently with the respondent, at which time we made a settlement offer. Berkeley is to get back to us with their answer.

Apex Petroleum Corp - D'Angelo - inspected 5/06 - Super CAFO is in concurrence, with a penalty of \$32,300.

130th Airlift Group - Heenehan - inspected 1/06 - The Super CAFO has been reviewed by Mary and is now with HQ-FFEO. It has not yet been sent to the respondent, and there may be some discussion regarding who should be named (National Guard or the Air Force); HQ apparently has some strong feelings about this issue.

Jan Szaro

AKZO Nobel Coatings - Carter - inspected 4/05 - The Super CAFO is with respondent.

DAG Petroleum II - Fields - inspected 11/04 - A meeting was held with the company is mid-July, at which time they provided additional/new information. In response, Jan will recalculate the penalty. We believe the case will settle, but probably not until next fiscal year.

Universal Forest Products - Fields - inspected 4/06 - The draft Super CAFO has been reviewed by Mary and will be sent to respondent soon. We have reached agreement in principle.

Standard Steel - Howell - inspected 5/05 - The Super CAFO is with respondent.

Century Oil - Nast - inspected 3/04 - No decision received yet on our default motion.

Nazario Construction Co (NAZCON) - Ramalho - inspected 3/07 - We reached an agreement in principle at the 7/12 settlement meeting. We may be able to wrap up settlement before the end of this quarter.

Schott Glass Technologies - Ruggero - inspected 7/06 - The company has expressed interest in settlement negotiations. Jan will finish calculating the penalty this week, which will complete the referral package to ORC.

Greenhill Car Wash - Bartlett - inspected 3/06 - Respondent's answer to the complaint was received on 7/30.

WAKO Chemicals - Attorney? - inspected 3/07 - Additional information has been received from the company, and next step is development of the referral package.

Stacie Peterson

Grove City Airport - Heenehan - inspected 12/06 - A call was held with the respondent on 7/24, and in response they were to submit additional information (which has not all been received yet). We don't believe this information will resolve many of the potential

violations, and expect another call this week.

Eastern Landfill (Baltimore County) - Howell - inspected 4/05 - The Super CAFO for the first audit was sent to the respondent on 8/2, and the team is beginning development of the Super CAFO addressing violations identified in the second audit. They may be proposing a SEP later to off-set penalties.

Steel of West Virginia (SWVA) - Howell - inspected 11/06 - A settlement offer has been sent to the company, and we expect their response in the next few weeks.

R and B Trucking - Howell - SWVA inspection 11/06 - The second round of ability to pay paperwork has been sent to the respondent. The company is not incorporated.

Sasol NA - Howell - inspected 2/06 - A meeting was held with the company on 7/25. The State will help them through the closure process. We expect another conference call to further discuss penalties.

Q-Markets, Inc (9 locations) - Thomas - inspected 8/05 - A settlement call is scheduled for today, and the team is working through ability to pay issues. Next ADR call is scheduled for 8/22, and ADR expires in early September.

DPW Fleet Management - Byrd - inspected 4/02, 11/05 - The Super CAFO and SCD documents were sent to DPW on 7/20. The program will discuss this further; this will not wrap up in FY07.

LANTA - Howell - inspected 2/07 - Mary will get the referral package to Joyce, who just agreed to take on this matter.

GSA - White House Garage - Owens/Peterson, Ramalho - inspected 12/06 - GSA has designated a point of contact, as we requested. We will send them a list of violations (based on what we know currently), and will be asking them to identify their tanks in the DC area.

Martin Matlin

Capitol Ground Maintenance Garage (AOC) - Ramalho - inspected 3/07 - The response to our Request to Show Cause is due in mid-August.

National Park Service - James Creek Marina - Ramalho - inspected 4/05 - The draft Super CAFO was reviewed by Martin in July.

NVF Co - Carter - inspected 2/05 - No change.

BAE Systems - D'Angelo - inspected 5/06 - Lockheed's response to our request for information was received in mid-July, not really disputing the violations, but "blaming" BAE. The companies are not sharing their IRL responses with each other, claiming CBI. We expect to be filing something next quarter.

Dassault Falcon Jet - Fields - inspected 9/05 - We have reached agreement in principle, and have provided a draft Super CAFO to the company. They are unclear as to the status of the injunctive relief (completed or not), but in either event we expect to finalize the settlement this quarter.

Dunlinden CITGO - Heenehan - inspected 3/06 - We are awaiting some financials from the various parties. One corporation has been dissolved, one is in good standing but owes the State money. It's not clear if there is an ability to pay the penalty. We are working with the new owner on required compliance tasks.

Petro Plus West End - Heenehan - inspected 8/06 - Jim will begin work on this next quarter.

Petro Marketing and Brokerage Co (two locations) - Heenehan - inspected 8/06 - Jim will begin work on this next quarter.

Horsehead Corp - Howell - inspected 2/06 - The removal plan for the Palmerton site was

approved on 7/17. Regarding the violations at Monaca, the draft Super CAFO was sent to the respondent for review.

Columbia Island Marina (NPS) - Howell - inspected 11/06 - The Super CAFO was sent to respondent last week.

Wheeling-Pitt - To be inspected in September.

Scott Manufacturing - Silverman - inspected 4/05 - The Super CAFO was sent to respondent about a week and a half ago.

Colonial Circuits - Attorney? - inspected 3/07 - The referral package to ORC is in concurrence.

Jeanna Henry

General Motors Corp - Howell - inspected 8/06 - The complaint is in concurrence.

Kessel Lumber Supply - Ruggero - inspected 2/05 - The default motion is with Mary for review.

SEPTA - Ramalho - inspected 6/06 - The referral package for all facilities will be completed by the end of next week.

Noramco, Inc - Ruggero - inspected 1/06 - A meeting is scheduled with the company for 9/20, and the referral package will be completed before that time.

Quality Carriers - Ruggero - 9/06 referral from HQ - The referral package went to ORC on 7/11.

US Army Aberdeen Proving Ground - Danzan - inspected 1/07 - Jeanna will have a request for information to Dan for review by the end of August.

Ken Cox

Cycle Chem - D'Angelo - inspected 12/06 - The team met last Friday. AJ will bring the FR questions on this case to the FR training he will be attending next week.

Leed Foundry - Howell - inspected 9/02 - The company's reply brief is due 8/20.

Railworks Wood Products - Ruggero - inspected 4/05 - The 7/24 inspection demonstrated that the facility is currently in compliance with Subpart W; relatively minor issues with an international shipment to Canada and the contingency plan were the only areas of concern. A meeting between the litigation team and company is scheduled for 8/14. John is to schedule an internal meeting before that time to assure management buy-in for the penalty.

Johnson Controls - Ruggero - inspected 1/06 - John is drafting the Super CAFO with SEP; Ken has reviewed the SEP and it looks OK. We hope to send the settlement package to the company by mid-August.

New Cases Tiered

Combined Systems Inc, Jamestown, PA - Henry - inspected 6/07 - Failure to date, label, and/or close containers, failure to perform weekly inspections, training, contingency plan, Biennial Report violations. The State has found similar violations in past inspections, and took a penalty action for similar violations in the past. We are recommending an administrative penalty action.

Defense Supply Center Richmond, Richmond, VA - Conover - inspected 5/07 - one satellite container not under control of the operator, one undated container, one unlabeled container. We are recommending a Notice of Violation.

Virginia Panel Corp, Waynesboro, VA - Cox - inspected 5/07 - Failure to provide spill prevention and overfill protection on two tanks. It appears that the material in these tanks is usually non-hazardous. We are recommending a Notice of Violation.

Budget Rent-A-Car, Washington, DC - Matlin - IRL only 5/07 - Failure to perform RD on tank and lines, failure to test ALLDs, failure to test CP. We are recommending an administrative penalty action.

Willow Bank Exxon, Bellefonte, PA - Matlin - inspected 4/07 - Failure to test ALLDs in 2002, 2004, and 2006. We are recommending a Field Citation.

Fort Lesley J McNair, Washington, DC - Toffel - inspected 4/07 - Failure to test ALLDs from 2002 to present. After some discussion, we agreed to address this violations with an administrative penalty action.

PEPCO Kenilworth Fueling Station, Washington, DC - Toffel - inspected 6/07 - Violations related to CP inspection record keeping. We are recommending to address them through a Notice of Violation.

Edgewater Stable, Washington, DC - Toffel - inspected 4/07 - Failure to perform tank RD. We are recommending an administrative penalty action.

Watergate Chevron, Washington, DC - Matlin - inspected 4/07 - Release detection record keeping violations. We are planning a Notice of Violation.

Bowies Inc, Washington, DC - Matlin - inspected 5/07 - Release detection record keeping violations. We are planning a Notice of Violation.

H3 Stable, Washington, DC - Toffel - inspected 4/07 - Failure to perform RD on tanks and lines, failure to test ALLDs. We are recommending an administrative penalty action.

The Specialty Hospital of Washington - Hadley, Washington, DC - Toffel - inspected 6/07 - FR violations for an emergency generator. We are recommending a Field Citation.

Amerada Hess, NJ Ave, Washington, DC - Morton - inspected 8/06 - RD record keeping violations, failure to perform RD for three months. We are recommending a Field Citation.

Amerada Hess, NY Ave, Washington, DC - Morton - inspected 8/06 - Failure to perform tank release detection and failure to investigate a suspected release. We are recommending an administrative penalty action.

USPS Silver Springs Delivery Annex, Silver Springs, MD - Owens - inspected 3/07 - Release detection violations (tanks and piping) and failure to test ALLDs. We are recommending an administrative penalty action.